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10/802,224

03/16/2004

Woo Seong Yoon

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LEE, HONG, DEGERMAN, KANG & SCHMADEKA

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EXAMINER

JEAN GILLES, JUDE

ART UNIT

PAPER NUMBER

2143

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**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

**Office Action Summary**

Application No.

10/802,224

Applicant(s)

YOON SEONG

Examiner

Jude J. Jean-Gilles

Art Unit

2143

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 16 March 2004.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-18 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-18 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 16 March 2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)          | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____                                      |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)          | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____  | 6) <input type="checkbox"/> Other: _____                          |

### **DETAILED ACTION**

1. This office action is responsive to communication filed on 03/16/2004. Claimed priority is granted from foreign application No: 10-2003-0016628 with a priority date of 03/17/2003.

#### ***Claim Objections***

2. Claims 1, and 10 are objected to because of the following informalities:

Claim 1, line 10 recites the phrase "the comparison result". This phrase is confusing as there is no antecedent basis for this limitation in the claim. The Examiner proposes to the Applicant to change the claim language by substituting the phrase "the comparison result" with simply "said comparison" as the word result was not mentioned in the claim prior to line 10.

A similar change is proposed for claim 10, lines 11, and 12.

Appropriate correction is required. The above noticed problem is just exemplary. Applicants are required to totally check the application for error and correct the same.

#### ***Claim Rejections - 35 USC § 112***

3. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

4. Claim 10 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claim 10, lines 6, and 7 recites the phrase "stored in an external server from the external server by sending a message request to the external server". This phrase is confusing, as it does not distinctly claim a specific subject matter.

Claim 10, lines 9, and 10 recites the phrase "the time that has elapsed since the start of the playback of an interactive disk". This phrase is confusing as there is no antecedent basis for this limitation in the claim.

Appropriate correction is required. The above noticed problem is just exemplary. Applicant is required to totally check the application for error and correct the same.

### ***Claim Rejections - 35 USC § 103***

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. **Claims 1-18** are rejected under 35 U.S.C. 103(a) as being unpatentable over Kondo et al (Kondo), Patent No. 7,127,736 B2 in view of Ort, U.S. Patent No 5,630,005.

Regarding **claim 1**, Kondo teaches the invention substantially as claimed. Kondo discloses a method of exchanging user messages among interactive disk players (*fig. 1*), comprising the steps of:

(a) receiving a user message from a first interactive disk player and storing the received user message (*fig. 9, steps S81, and S82; column 16, lines 64-67; column 17, lines 1-11; note that the first interactive disk player is client 20-A*);

(b) receiving a message request from a second interactive disk player (*column 17, lines 57-67; column 18, lines 1-5; the second interactive disk player is client 20-B*);  
and

(c) comparing playback time included in the message request with playback time included in the stored user message (*column 27, lines 32-52; note that the playback time is inclusive to the favorite information of the requester; in column 2, lines 41-44 it is disclosed that the playback time information is part of the information data received and stored at the server, and that the digest information includes the message request data collected from previous users*). However, Kondo does not disclose the details of sending the stored user message to the second interactive disk player depending on the comparison matched playback time, and specifically comparing the playback times.

In an analogous art, Ort in an effort to facilitate content distribution/delivery offers this technique of comparing and matching intended playback time information previously stored in a central server with a requested playback time information from a user of an interactive disk player connected to the same server (*see Ort, column 2, lines 57-67, continue in column 3, lines 1-28*). Once the intended playback time (stored response from first DVD) matches the requested playback time (request from second DVD), the location of the stored audio/video data is found on the server, and a response is forwarded to the requester. This method appears to be very useful in classifying user

favorite data that can be used in exchanging and classifying messages and information in a dedicated digital playback system.

Accordingly, it would have been obvious to one of ordinary skill in the networking art at the time the invention was made to have incorporated Ort's teachings of a system exchanging interactive messages from users with the teachings of Kondo, for the purpose of "...*providing a playback system (e.g., a computer system or dedicated computer controlled digital playback system) with the ability to efficiently and effectively locate a requested playback time or frame number within an audio/video file .... and further for providing efficient seeking capabilities within audio/video files...*" as stated by Ort in lines 17-25 of column 2. By this rationale **claim 1** is rejected.

Regarding **claims 2-18**, the combination Kondo-Ort teaches:

2. The method set forth in claim 1, wherein the user message includes information for identifying an interactive disk or a title that is being played and information for grouping users (*see Kondo; see abstract, column 2, lines 24-44; note that the receiver receives from the playback apparatus playback identification information such as title information, enabling the transmitter to categorize and process user message*).

3. The method set forth in claim 1, wherein the message request includes information for identifying an interactive disk or a title that is being played and information for grouping users (*see Kondo; see abstract, column 3, lines 50-59; the request implicitly contains identification information so the comparison can be made based on the*

*identification data and the digest information can be transmitted to the playback apparatus).*

4. The method set forth in claim 2 or claim 3, wherein the information for grouping users includes information on the age, the sex, the playback region, and/or the language of a user (*see Kondo; column 10, lines 3-9; column 10, lines 50-59*).

5. The method set forth in claim 1, wherein the step (c) conducts comparing the playback times and sending the user message depending on the comparison result if the stored user message and the message request were created by interactive disk players belonging to the same group (*see Kondo; column 22, lines 1-14; the user profile information contains the age group of the user as part of the request, which enables the server to compare the request with stored digest information*).

6. The method set forth in claim 1, wherein the playback time is the time that has elapsed since the start of the playback of an individual interactive disk by each of the interactive disk players (*see Kondo; column 2, lines 45-53; the statistical processor accumulates the playback times of the playback portion according to the title information based on the operation data of a plurality of users; the operation data includes start time and elapsed time of the interactive disk playback; furthermore, it is well known to an ordinary skill in the art that a playback time is defined as being the time elapsed since the start time of the playback of an interactive disk*).

7. The method set forth in claim 1, wherein the step (c) sends the stored user message if the playback time included in the message request approaches the playback time included in the stored user message within a predetermined bound (*see Ort, column 2, lines 57-67, continue in column 3, lines 1-28; adjusting the approximate location based on the intended playback time to find the requested playback time is within a predetermined bound*). The same motivation and reason to combine used for the rejection of claim 1 is also valid for this claim.

8. The method set forth in claim 1, wherein the step (c) conducts comparing the playback times and sending the user message depending on the comparison result (*see Ort, column 2, lines 57-67, continue in column 3, lines 1-28*) if the stored message is intended for requesting a response from other arbitrary users (*see Kondo, column 2, lines 45-53*). The same motivation and reason to combine used for the rejection of claim 1 is also valid for this claim.

9. The method set forth in claim 8, wherein the step (c) sends the stored user message to the second interactive disk player immediately without comparing the playback times included in the message request and the stored user message if the stored message is not intended for requesting a response from other arbitrary users (*see Kondo, column 2, lines 45-53; column 5, lines 47-67; here, no comparison of playback times is included in the message, and the digest information is generated based on the sorting result of the*



*scenes designated by the time-space position data of the requesting user. Those scenes are mostly from arbitrary users of the system).*

10. A method of exchanging user messages among interactive disk players, conducted by an interactive disk player (see *Kondo*; fig. 1), comprising the steps of:

(a) receiving and storing a user message that was sent from a different interactive disk player (see *Kondo*; fig. 1, content playback DVD player 20) and received by and stored in an external server (see *Kondo*; fig. 1, external server 30) from the external server by sending a message request to the external server (see *Kondo*; fig. 9, steps S81, and S82; column 16, lines 64-67); and

(b) comparing playback time included in the stored user message with the time that has elapsed since the start of the playback of an interactive disk (see *Kondo*; column 27, lines 32-42; the DVD Player 20 is used to display the resulting message from the server) and outputting the stored user message for displaying the message depending on the comparison result (see *Ort*, column 2, lines 57-67, continue in column 3, lines 1-28; note that defining the playback time as being the time that has elapsed since the start of the playback of the interactive disk is well known to an ordinary skill in the art). The same motivation and reason to combine used for the rejection of claim 1 is also valid for this claim.

11. The method set forth in claim 10, wherein the message request includes information for identifying an interactive disk or a title that is being played and information for

grouping users (*see Kondo; see abstract, column 3, lines 50-59; the request implicitly contains identification information so the comparison can be made based on the identification data and the digest information can be transmitted to the playback apparatus*).

12. The method set forth in claim 11, wherein the information for grouping users includes information on the age, the sex, the playback region, and/or the language of a user (*see Kondo; column 10, lines 3-9; column 10, lines 50-59*).

13. The method set forth in claim 10, wherein the playback time is the time that has elapsed since the start of the playback of an interactive disk by the different interactive disk player (*see Kondo; column 2, lines 45-53; the statistical processor accumulates the playback times of the playback portion according to the title information based on the operation data of a plurality of users; the operation data includes start time and elapsed time of the interactive disk playback; furthermore, it is well known to an ordinary skill in the art that a playback time is defined as being the time elapsed since the start time of the playback of an interactive disk*).

14. The method set forth in claim 10, wherein the step (b) outputs the stored user message if the time that has elapsed since the start of the playback approaches the playback time included in the stored user message within a predetermined bound (*see Ort, column 2, lines 57-67, continue in column 3, lines 1-28; adjusting the approximate*

*location based on the intended playback time to find the requested playback time is within a predetermined bound*). The same motivation and reason to combine used for the rejection of claim 1 is also valid for this claim.

15. The method set forth in claim 10, wherein the step (b) conducts comparing the playback time and the elapsed time and outputting the stored user message depending on the comparison result if the stored user message is intended for requesting a response from other arbitrary users (*see Ort, column 2, lines 57-67, continue in column 3, lines 1-28*) if the stored message is intended for requesting a response from other arbitrary users (*see Kondo; column 2, lines 45-53*). The same motivation and reason to combine used for the rejection of claim 1 is also valid for this claim.

16. The method set forth in claim 15, wherein the step (b) outputs the stored user message immediately without comparing the playback time included in the stored user message and the elapsed time if the stored user message is not intended for requesting a response from other arbitrary users (*see Kondo; column 2, lines 45-53; column 5, lines 47-67; here, no comparison of playback times is included in the message, and the digest information is generated based on the sorting result of the scenes designated by the time-space position data of the requesting user. Those scenes are mostly from arbitrary users of the system*).

17. The method set forth in claim 10, further comprising the step of: (c) after the stored

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user message is outputted, sending a message inputted by a user along with the displayed user message to the external server (see *Kondo*; column 18, lines 25-31; the display user message here is the specified scene that the client wants to view that is sent with the message request to the external server).

18. The method set forth in claim 17, wherein the inputted and sent message is of a type that does not request a response from other arbitrary users (see *Kondo*; column 18, lines 25-40; generating and providing an optimal digest scene does not request a response from an arbitrary user, but requesting expected information from specific users, thus enabling the requesting user to subsequently follow the event).

**Conclusion**

7. **THIS ACTION IS MADE NON-FINAL.** The Examiner anticipates a Final Rejection Office Action on the next response if amendments are not properly made to the claims to perhaps place them in condition for allowance.

Any inquiry concerning this communication or earlier communications from examiner should be directed to Jude Jean-Gilles whose telephone number is (571) 272-3914. The examiner can normally be reached on Monday-Thursday and every other Friday from 8:00 AM to 5:30 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, David Wiley, can be reached on (571) 272-3923. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (571) 272-9000.

Jude Jean-Gilles

Patent Examiner

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JJG

A handwritten signature in black ink, appearing to read 'Jude Jean-Gilles', with a stylized, cursive script.

September 2, 2007